

ABRAHAM LINCOLN

RAILROAD LAWYER

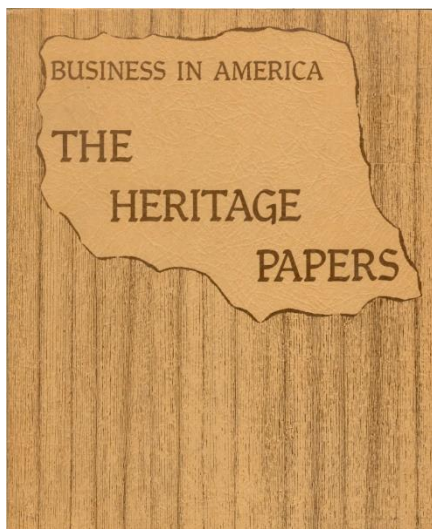


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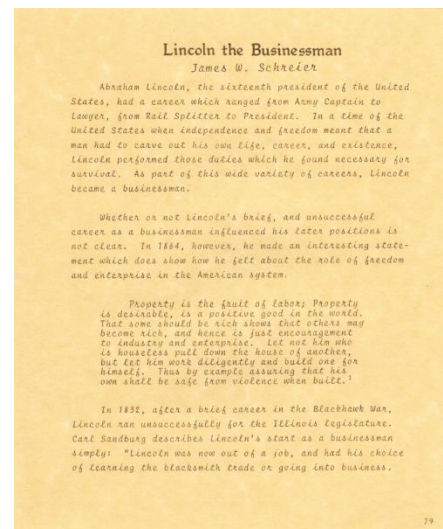
RAILROAD LAWYER



Lincoln the Businessman



Bonus



ABRAHAM LINCOLN – RAILROAD LAWYER

As a young college professor, I seized an opportunity to audit a graduate-level course on Abraham Lincoln. The course was taught by a professor who had taught two courses I'd taken on the American Civil War as an undergrad years earlier. Based on my love of Lincoln, we'd become colleagues, and I decided to write a paper on Lincoln as a Railroad Lawyer. I've edited the paper for grammar and style, deleting a few minor points and adding some explanations that have appeared in writings about Lincoln since this was written. I also added a few images.

The paper was written for Dr. Frank Klement and is now dedicated to all I learned from him.

A study of Abraham Lincoln's service as a railroad lawyer is much more complicated than anyone would think. Once a study is begun, numerous volumes are readily available on the subject. The problem arises because the authors' opinions vary in the events' descriptions. Although this variance never alters the facts of the cases, it does present questions about the significance of the events in Lincoln's life. Each different version of a particular incident changes the estimate of the personality of Mr. Lincoln and the effect the case had on his future political career. Little, if any, original material is available to research the actual events. The striking difference is in the author's various descriptions of some spoken words and the substantiating events of a particular case that Lincoln defended for the railroads. These differences will be brought out here, and some attempts will be made to resolve them in order to explain their significance.

Abraham Lincoln's career as a railroad lawyer involves many different factors. Research immediately indicates that his career was short, and he handled relatively few cases. The few cases he handled were some of the most important cases to come up before the courts in the period and possibly some of the most important to ever come before the courts.

To merely study Lincoln as a railroad lawyer is impossible. One immediately realizes that this is not the only subject to be studied. To adequately cover this subject, Lincoln's entire career as a lawyer must be understood. His knowledge of the law was not obtained in the customary way. His methods were far from those of the average member of the bar at that time. The second thing that is noticed is that a study of Lincoln as a man becomes more and more necessary. If these facts of his life, particularly his philosophy, are not understood, the entire significance of his actions in these railroad cases is lost behind the maze of legal battles.

Abraham Lincoln was a man who believed in people and the will of the nation. Many authors say he would never defend a man he believed was wrong. He had very strict principles and stuck by them -- often at the loss of fees. He would rather fight for a just cause than collect a larger fee from the opposing side. His ability as a lawyer put him in great demand in the 1850s. Yet, his methods and arguments show his deep-seated understanding of his principles and his application of those principles to every case he worked on. Lincoln felt that railroads were an important part of the American economy; therefore, he felt his duty was to defend this institution. As we shall see later, he did not feel that the railroads were merely machines backed by tremendous amounts of capital attempting to crush the people and take away their land and money. He defended this principle throughout his legal career with the railroads, which probably accounts for his success as a railroad lawyer.

LINCOLN – A SELF-TAUGHT LAWYER

Without a few words about Lincoln the lawyer, no study of Abraham Lincoln's efforts as a railroad lawyer would be complete. His methods and techniques were much different than the average lawyer. He learned his law by himself; he never had the benefit of any significant formal education. His ability to think through a problem, arrive at a decision, and apply the self-taught principles of law made him the great lawyer he was. There is not much conflict among authors on Lincoln's legal ability. Everyone seems to agree that he was one of the best lawyers in the area at the time. While his methods might have been somewhat different, he applied cold facts to the case and, more often than not, brought home the decision in his favor.

"As a lawyer, Lincoln was a master strategist." (Lincoln for the Ages)

"His character as a lawyer was controlled and molded only by his character as a man." (Life on the Circuit with Lincoln)

Lincoln and the railroads grew up together. The economic conditions of the time were such that building an empire like the railroads would have a tremendous impact on a man like Lincoln. The railroads were spreading rapidly; the vastness of this network is somewhat hard to realize in our present time. We think nothing of the railroads, but they were, to the people of their time, somewhat like the conquest of space is to us. The railroad men were investing tremendous amounts of money and effort into the westward

movement of the railroads. They were financing their efforts with money from the people in the areas through which the railroads would run. The land around the railroads was of great value. This is where the future cities of the West would appear. This was the chance for the American dream to come true for many people. They could get a valuable parcel of land, maintain it, build their homes and businesses in the areas, and prosper as the railroads opened tremendously large new markets for all types of manufactured and agricultural products. Lincoln's feelings about this tremendous expansion are not too difficult to determine. We know that he has always loved transportation; he sailed a barge down the Mississippi River. Much of his early studies were concerned with boats, engines, steam power, and, presumably, the early actions of the railroads.



"It has been said that the history of the Illinois Central Railroad is the history of Illinois. But as to whether Lincoln aided or opposed this project in its inception, there is conflicting testimony". (Lincoln and the Railroads)

The growth of the railroads in Illinois was certainly important in Lincoln's natural education. The conflicting evidence mentioned above will not be considered now. It concerns Lincoln's initial reactions to the bills presented in Illinois for chartering the first railroads. There is some question as to whether Lincoln supported or opposed these bills.

Realizing the railroads' impact on the nation's economy and with a basic understanding of Lincoln's legal ability, it is time to look into the many cases he handled concerning the railroads. He handled cases both for and against the railroads. There is quite a difference in the type of cases handled, depending on whether he was defending or prosecuting the roads. One railroad he would not appear against was the Illinois Central because he was considered a member of their legal staff.

Lincoln had a tremendous influence on the movement of the state capital from Vandalia to Springfield. This was the area that the railroad wanted, and in a sense, Lincoln was lobbying for the interests of the railroad. Because of this action, James F. Joy retained him as a company attorney to handle all cases in that area. Joy was the leading railroad lawyer of the time and the chief counsel for the Illinois Central Railroad Company. This was in 1852. Most sources agree that Lincoln was consulted regularly and that his legal ability was considered excellent.

It appears That Lincoln received no retainer as we know it today. The custom at the time seems to have been that these local attorneys would receive a pass good on all the

company's roads and all business in his area, for which the normal fees would be paid.

Henry Clay Whitney summarizes Lincoln's service to the company in his book **Life On The Circuit With Lincoln**. He states, *"In Davis Circuit, I employed Lincoln when I needed aid, ... and I never found any difficulty in Lincoln's appearing for a great soulless corporation... In such cases, he always stood manfully by me, and I always, of course, tried to win."*

The largest legal fee Lincoln ever received came from the hands of the Illinois Central Railroad. The story behind this is most interesting, and this is the case that evokes the first variation between research materials. What actually happened seems to be unknown. The basis of the lawsuit is clear, the case's outcome is clear, but the facts behind Lincoln's large fee payment are somewhat confused and misunderstood. When these facts are made clear, one becomes aware of Lincoln's true feelings towards the roads and his reasons for always being willing to defend their cause.

ILLINOIS CENTRAL V. MCLEAN COUNTY

In 1855, McLean County in Illinois levied a tax upon the Illinois Central Railroad for all the property it held in that area. The railroad immediately brought suit to prevent such action because of the tremendous impact it would have on the railroads. The federal government had declared all railroads exempt from taxes; in turn, they would pay the government seven percent of their gross from tickets. The action of Mclean County could have meant that any county or city could then levy local taxes on the railroads and virtually force the roads out of business.

Lincoln's reaction to this case was immediate. He was still considered a member of the Illinois Central "staff," yet he wanted to assure himself of being a part of this important case. In a letter dated September 12th, Lincoln wrote: *"...the question in its magnitude to the company on the one hand, and the counties in which the county has land, on the other, is the largest law question that can now be got up in the state; and therefore, injustice to myself, I cannot afford, if I can help it, to miss a fee altogether."* This was in a letter to state officials. Presumably, he felt some obligation to the county, but it seems more possible that he was, in fact, protecting his interest in order to get a part of the case. When the county officials did not reply, he wrote the following letter to Mason Brayman, the Illinois Central Attorney located in Chicago: *"Neither the county of Mclean nor any one of its behalf has yet made any engagement with me in relation to its suit with the Illinois Central Railroad on the subject of taxation. I am now free to make an*

engagement for the road, and if you think of it you may 'count me in.' Please write me on receipt of this I shall be here at least 10 days."

Lincoln's action is easily justified in that he was attempting to be engaged by the side that would offer him the highest remuneration. As it turns out, he was employed by the railroad. Brayman decided immediately to retain Lincoln and set him a check for \$250. The company easily saw the importance of the case, and the legal minds they brought together were effective (Joy and Lincoln). The case was lost in the local court and carried into the state Supreme Court. The question in the lower court was about the railroad's attempt to stop McLean County from collecting taxes. It was carried to the state Supreme Court as the question: Does the government have the right to exempt the railroads from paying taxes? The best statement of the result of this trial is the decision rendered by Chief Justice Gates: *"It is within the constitutional power of the Legislature to exempt property from taxation, or to commute the general rate for a fixed sum. The provisions, in the charter of the Illinois Central Railroad Company, exempting its property from taxation, upon payment of certain proportion of its earnings, are constitutional."*

(Lincoln and the Railroads)

The company has thus saved itself from paying taxes, which would probably force it out of existence and open the way for every other county in the nation to set taxes on the property or the railroads themselves. The significance of this decision in the growth of the American transportation system can easily be seen. The value of this decision to the nation and particularly, to the Illinois Central Railroad, more than justifies the fee Lincoln received for his services.

After the successful conclusion of the case, Lincoln presented the company with a bill for \$2000. The officials refused the bill, saying that this was a fee that even Daniel Webster would not charge. After conferring with other lawyers on the circuit, Lincoln was convinced that his services were worth at least \$5000, and a bill was sent for this amount. The company also refused this bill, and Lincoln sued for its collection. This is where the first conflict of the material arises: the action taken is clear. Lincoln definitely sued for the collection of \$5000. The reasons why the company allowed him to sue are not too clear. Various authors state that the company officials felt that this amount was entirely unjust, and they could not see it fit to pay such a sum. Lincoln's defense of the bill was that the amount was in line with the work put into the case, its importance, and its value for the company.

The suit has been called everything from “friendly” by William E. Barton in *“The Life of Abraham Lincoln”* to Carl Sandburg’s statement in *“Abraham Lincoln – The Prairie Years”*: *“38 days went by and the railroad company failed to pay the \$4800 fee. An execution was issued directing the sheriff to seize property the railroad then the fee was paid and high owners of the railroad stated, the payment of so large a fee to a western lawyer would embarrass the general counsel with the board of directors in New York”*. This statement certainly does not make the suit appear friendly.

Several authorities agree that the statement Sandburg quotes was made, but they distinctly point out that it was made with their decision to let Lincoln sue for the fee. They felt that if Lincoln was forced to prove his worth, to get a court decision that the fee was just, they could more easily secure the money from the New York authorities. Most authors state that members of the company told Lincoln to sue for that amount. Here, we get a justification for the “friendly” suit.

Another reason presented for the suit is the company’s inability to pay the large sum immediately. If Lincoln were forced to take the matter to court, it would give the company time to secure the necessary funds. This reason and the necessity of proving that the fee was just seems to be the proper explanation of the events. The events of the actual trial somewhat substantiate this. The lawyer for the company did not appear at the designated time, and judgment was awarded to Lincoln. When the lawyer appeared later in the afternoon, Lincoln rescinded his default judgment and agreed to a new trial five days later. The trial appeared to be a mere formality. The argument presented by Lincoln was a statement by six prominent Illinois lawyers stating that they felt the fee was justified. The lawyer for the company made no attempt to argue the point; he merely pointed out that \$200 had been paid in advance, and Lincoln was awarded a final judgment of \$4800. The mere formality of a trial makes it rather clear that the company had no intention of not paying the amount. Further evidence of this point is the fact that James F. Joyce quotes the railroad as telling Lincoln to: *“Bring suit against the company for the amount demanded and no attempt will be made to defend against it. If by the testimony of other lawyers it shall appear to be a fair charge and there shall be a judgment for the amount, then we shall be justified in paying it.”* (Lincoln and the Railroads) Joyce is the lawyer who handled the case with Lincoln and his explanation seems to outweigh the judgments of Sandburg and other authors who claim that the suit was otherwise.

Lincoln received the largest fee he had ever gotten as a lawyer and the case was won. The importance was that it allowed the railroads to continue in operation, which would seem to be impossible if taxation had been allowed.

An interesting and lighter part of this case was the exchange between William Herndon, Lincoln's law partner, and Lincoln when the money was finally received. Here, a difference is also presented in the various sources, which is significant in its implications. Several authors quote Herndon: *"Lincoln gave me half, and much as we depreciated the avarice of great corporations, we both thanked the Lord for letting the Illinois Central Railroad fall into our hands."* This seems to indicate that Lincoln was somewhat against large companies. While this may be true, the statement's validity changes the meeting somewhat. While the authors are correct in quoting Herndon, a better presentation of the incident is given by Sandburg: *"Lincoln deposited the \$4800 in the Springfield Marine Bank, and later, in handing Herndon half of the fee, he pushed it towards his partner then held it back an instant, and said with a smile, 'Billy it seems to me it will be bad taste on your part to keep saying severe things I've heard from you about railroads and other corporations. Instead of criticizing them, you and I ought to thank God for letting this one fall into our hands.'"*



THE EFFIE AFTON CASE

Another case that Lincoln handled for a railroad company was not only more important in our analysis of Lincoln as a railroad lawyer; it was much more significant to the railroads. This not only defended the right of the railroads to exist but also their right to expand westward and build bridges across the rivers of America.

The case was officially the “Hurd v. the Rock Island Bridge Company,” better known as the “Effie Afton Case.” In 1853, the first bridge across the Mississippi was completed. The rivermen completely opposed the bridge. They thought any obstruction placed in “their” waters aroused tremendous response. The river cities were fighting for business. This bridge threatened their monopoly of trade. A great share of the business would be lost once the railroads were allowed to cross the river.

They argued that the bridges prevented safe travel in the water. The opposition did not hold before construction, and the bridge was completed.



In May of 1856, the Effie Afton struck one of the piers of the bridge. Stoves inside the ship were overturned, and the ship burned and went down in a matter of minutes. Part of the bridge was also burned, and a section fell into the river. This was the moment the river people had been waiting for. Reports are that the crew and other river people immediately celebrated and cried joyfully, saying that the bridge could be condemned and this action had been halted. A lawsuit was immediately filed against the bridge company by the owners of the Steamboat. Several authors claim that the company accused the ship owners of deliberately crashing the ship to cause the incident.

Lincoln’s entrance into the affair is best described by John W. Starr Jr. in his book, **“Lincoln and the Railroads.”** *“This case with all its interesting legal angles derives further importance from the fact that our Sagamon County lawyer was retained for the railroad.*

It reveals Lincoln in the plenitude of his powers, holding his own against the best legal talent of that section. The time is but a few years before he became a national figure in politics."

The case was tremendously hard fought. The press on both sides covered it extensively, and it was a very heated incident. The company decided to retain Lincoln, along with Norman P. Judd and Joseph Knox, for their defense. Lincoln was selected because of his popularity and his ability to win cases. His ability as a lawyer was becoming quite well known.

The work that Lincoln put into this case was enormous. While the basic part of the trial was handled by Judd and Knox, Lincoln's moment came when he delivered the closing argument for the defense. His knowledge of the river, the bridge, and all its factors made this the clinching fact for the railroad. Lincoln talked to the young son of the bridge superintendent. He could not get the answers he wanted considering the currents of the bridge, and the boy, who played and floated logs down the river, could tell him more. In his closing argument, he put all this material together and used models and showed the jury that it was impossible for the bridge to have caused the accident. He proved that the boat was operating with its starboard wheel not working and that this fact caused the boat to move sideways into the bridge. He pointed out that the pilot of the boat failed to investigate the conditions of the bridge when he had the chance the day before.

Lincoln's preparation for this case made the difference. Members of the jury and the people in the courtroom were astonished at the wealth of technical information he presented to back up the facts of the case. Lincoln's defense of the railroad's rights to build bridges across the river is well worth noting: *"...but there is travel from east to West whose demands are not less important than those of the river. It is growing larger and larger, building up new countries with a rapidity never before seen in the history of the world. This current of travel has its rights as well as that north and south. If the river had not the advantage in priority and legislature we could enter into free competition with it and we could surpass it. ...this shows that this bridge must be treated with respect in this court and is not to be kicked about with contempt..."* This case was a conflict of sections, economies, and eras. It was of great significance to the further development of the railroads in their Western movement.

In spite of Lincoln's effective argument, the jury was undecided and ended deadlocked, 9 for the defendant (the bridge company) and 3 for the steamship owners. This, however,

was considered a victory for the bridge, and little could be done after this to remove the bridges across the Mississippi.

This was probably Lincoln's most important case as a railroad lawyer. (Note: This is illustrated by the "Effie Afton" case being mentioned in Tom Wheeler's "Mr. Lincoln's T-Mails" as evidence of his "*arguing cases on behalf of technology.*") The other cases he handled, including some against railroads, are not quite as important, but they are very interesting and valuable to an understanding of Lincoln.

ALTON AND SANGAMON TRACK PLANS

In December of 1851, Lincoln defended the Alton and Sangamon railroad company's right to change their tracks' plans. A man named Barrett brought suit after the company altered its plans, which considerably changed the value of the stock for which he had subscribed. The court, in rendering its decision, said: "*...the benefit which accused individual property, by the location of a public road, does not, in contemplation of law, enter into the consideration of the contract of subscription to stock of the railroad, and that subscriptions are made subject to the power of the Legislature to change the location of the right of way.*" This serves to point out the tremendous importance of these decisions had in the long-range plans of the railroad companies. The best summation of this point is "*many of Lincoln's railroad cases establish general principles of law. With railroading in its pioneer stage, numerous decisions based upon his reasoning became precedents in future legislation.*" (Abraham Lincoln)

The railroads were often attacked as being machines or "soulless corporations". Their economic impact also seriously impacted the thinking of the American people. Lincoln once replied to the argument that the railroads were quote "Soulless." "*Council avers that his client has a soul. This is possible, but the way he has testified Under oath in this case, to gain, or hope to gain, a few paltry dollars, he would sell, nay, has already sold, his little soul very low. But our client is but a conventional name for thousands of widows and orphans whose husbands' and parents' hard earnings are represented by this defendant, and who possessed souls which they would not swear away as the plaintiff has done for 10 million times as much as is at stake here.*" (Lincoln and the Railroads) Here, Lincoln applied his cold-biting argument to the plaintiff and defended the railroads as an institution at the same time.

DALBY V. ST. LOUIS ALTON AND CHICAGO RAILROAD

The most important case that Lincoln filed **against** a railroad was in 1857 against the St. Louis Alton and Chicago Railroad Company. It was a case involving the mistreatment of Joseph H. Dalby and his wife, Sarah, by the conductor and brakeman. Evidence showed that Dalby had attempted to purchase tickets for their destination at the station. The station Master did not have any for that destination, and they were to ride without them. When the conductor came for their fare, they were told they would have to pay the normal cash fare, which was somewhat higher than the price of tickets. They refused to pay the extra amount and were forcibly ejected from the train. The verdict was decided in favor of the Dalbys, and it set another precedent in that the railroad could now be held responsible for the acts of its duly authorized agents. The law, established here, was applied to many more railroad cases from that time on. The interesting thing about this case is that in only a few months, Lincoln received a call from the railroad to represent it in an upcoming court procedure. This again shows the respect he was already commanding as a capable lawyer in dealing with the railroads.

Lincoln's other cases against the railroads were all of this nature. It appears that the only cases he would handle against the roads were those that involved some violation of the laws or persons' rights. All the evidence points to the fact that he never appeared against the railroads when he would actually be condemning the corporations or the development of the roads. He took cases like the Dalby case and many others involving accidents, loss of limbs, and several where the loss of merchandise or livestock was involved. These cases were completely different than the two significant cases he handled as a railroad lawyer.

Before any of the major events in Lincoln's career as a railroad lawyer, he appeared for several companies to lobby for their charters and attain favorable land conditions and other concessions from the various states. Under these conditions, he appeared for the Illinois Central, the Ohio and Mississippi, the Rock Island, the Tanika and Petersburg, and the Chicago and Alton.



IMPACT ON LINCOLN'S POLITICAL FUTURE

In 1859, we see a rather interesting event concerning the railroads, which showed how important Lincoln's contact with the Illinois Central would prove to him. The officials of the company were in Dubuque to secure lands for Western depots. They all arrived in a private car and with the customary luxury of this type of travel. Lincoln was a member of this party and rode in the private car on the pass furnished to him by a member of the company's legal staff. The reason for Lincoln's appearance on this trip is unknown. It doesn't appear that there was any reason for their lawyers, particularly Lincoln to be there. However, the effect it had on the young Republicans of the area was tremendous. They were greatly impressed by this man's apparent importance to the company. Said of the event: "*They exhibit the close, not to say intimate relations, Mr. Lincoln has as a lawyer with great and powerful industrial corporations: factors of great potency in the decisions of political bodies.*" (Lincoln and the Railroads)



In February of 1860, Lincoln received a rather interesting offer from the New York Central Railroad Company. Much more interesting is Lincoln's reaction to the offer and the effects it could have had on his personal future. The president of the railroad came to Lincoln and offered him a retainer of \$10,000 to become the general counsel for the railroad. He approached Lincoln with a remark that he had heard Lincoln win every case he handled. Lincoln replied that that may not be true but that he only took cases where he felt his side was justified. Lincoln's reaction to the offer of \$10,000 a year was one of total surprise. He could not imagine what they would want to pay him that much for. And more puzzled was he at what he could do with so much money. It appears as if he thought that accepting this offer would drastically change the makeup of his family. It seems that he turned down the offer, particularly on this basis. He really could not see what he could possibly do with such a large amount. Further resistance seems to lie in the fact that he wasn't too sure about moving to New York. Why he felt this way, with his election to the presidency so close, is hard to understand. If Lincoln had accepted this offer, we would probably be studying Lincoln as a great railroad lawyer, instead of Lincoln, the president, who was also a railroad lawyer for some time. The significance of this episode is that it would have had a tremendous impact on the country's future if Lincoln had accepted this position. Presumably, he would not be president in 1861, and the beginning of the war would not have been the same.

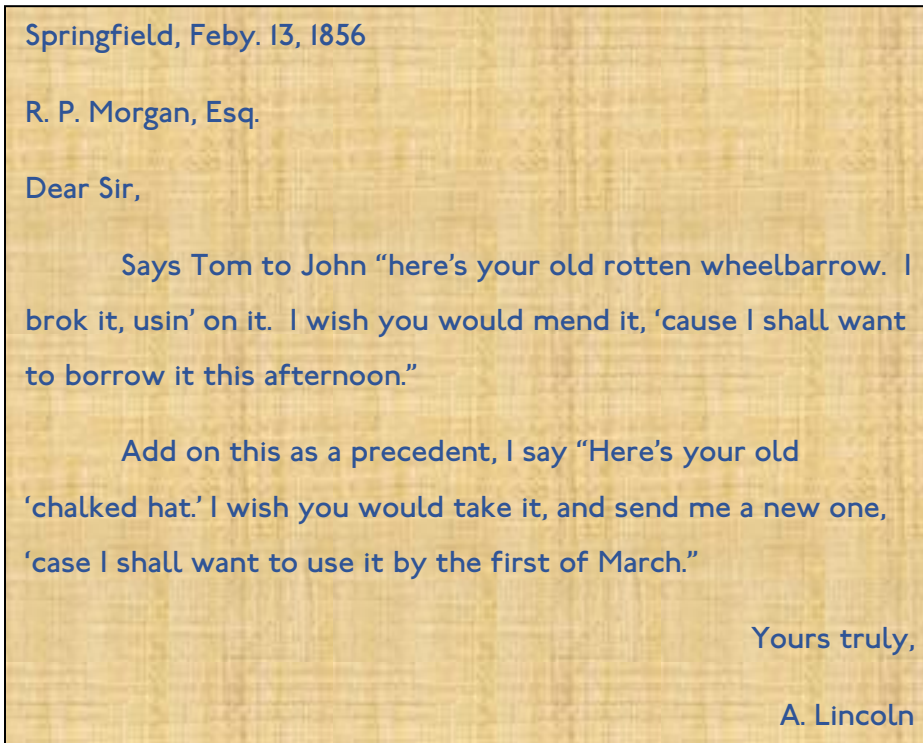
Abraham Lincoln, as a railroad lawyer, only handled a few cases. The cases he did handle were quite significant. Many of them established precedents that would affect the future of the roads for several decades. The most important of these was the Mclean County tax case, which allowed the federal government to exempt the railroads from paying certain taxes, and secondly, the Rock Island Bridge case, which gave the roads the right to build bridges across the Mississippi River. He also handed several cases where the action was brought against the roads. Most of these, however, were of a different type. They were primarily damage suits and claims against the companies for loss of property or physical injury.

The effect these cases had on Lincoln's political future should be clear. These cases strengthened his methods of applying the laws. He would stand firm in his belief in defending what he thought was right. The \$5000 he received from the Illinois Central is said to have helped finance his political campaigning against Stephen A. Douglas in 1858.



ILLINOIS CENTRAL PASS RENEWAL

Lincoln had an official affiliation with the Illinois Central Railroad; he was considered a member of their legal staff. For this reason, he received a pass and all business in his area. Evidence also shows that he had a pass on the Alton and Sangamon railroad and was appointed local attorney for the road in 1854. When his pass expired in 1855, we see the wisdom and wit of Abraham Lincoln in his application for a new pass. The quote “chalked hat” refers to a white ticket placed in the hat bands of those riding on a pass.



Springfield, Feby. 13, 1856

R. P. Morgan, Esq.

Dear Sir,

Says Tom to John “here’s your old rotten wheelbarrow. I brok it, usin’ on it. I wish you would mend it, ‘cause I shall want to borrow it this afternoon.”

Add on this as a precedent, I say “Here’s your old ‘chalked hat.’ I wish you would take it, and send me a new one, ‘case I shall want to use it by the first of March.”

Yours truly,

A. Lincoln

To quote Lincoln once more, here are his closing remarks in the Rock Island Bridge Case:

“Gentlemen, I have not exhausted my stock of information and there are more things I could suggest regarding this case, but I have doubtless used up my time, I presume I had better close.”

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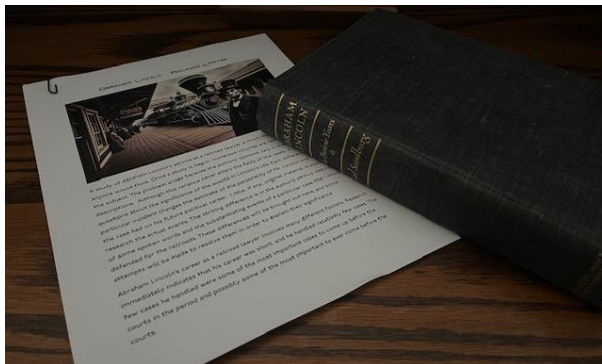
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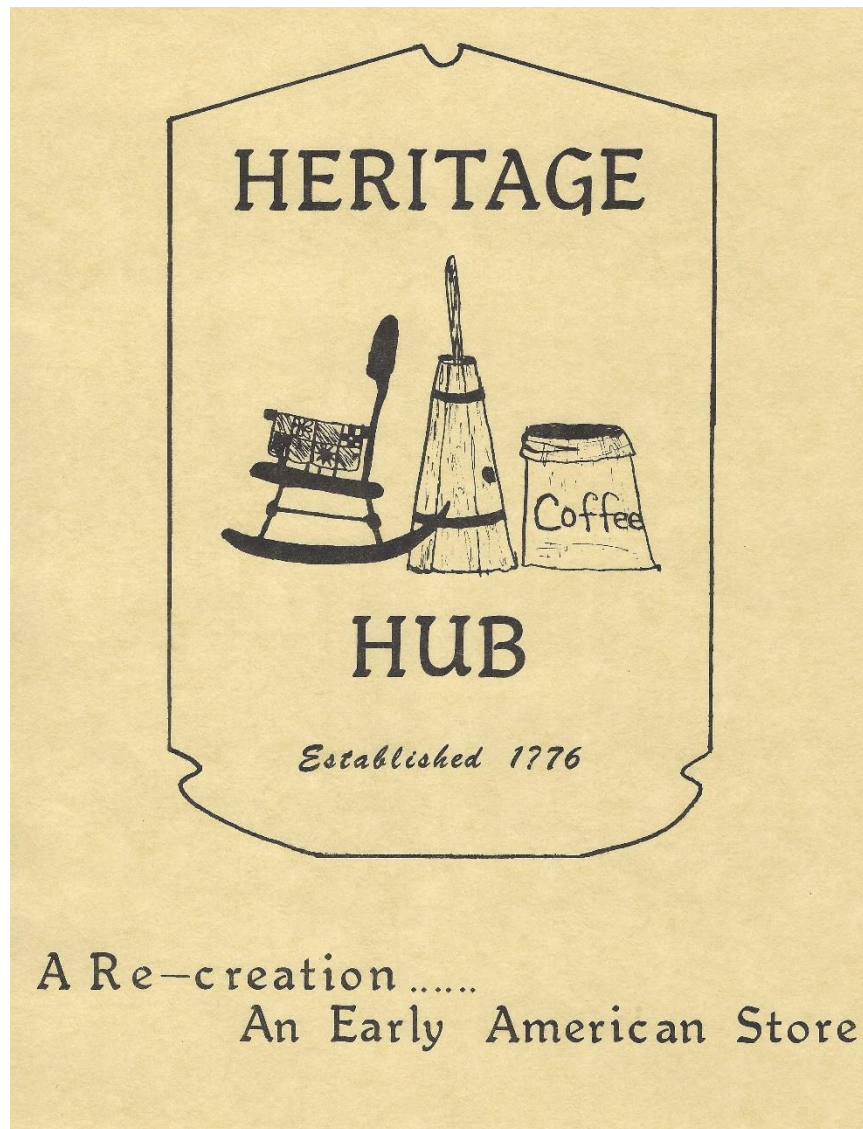
I’m checking some of the information from Carl Sandburg’s “Abraham Lincoln—The Prairie Years.” I read the six-volume Sandburg biography of Lincoln in high school.

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This paper’s main text is in the “PP Underground” (London) font. The section headings are “EMPIRE BUILDER.”

HERITAGE HUB – THE HERITAGE PAPERS

In 1976, the students of the Business Department at Mount Mary College celebrated the Bicentennial by creating “Heritage Hub,” a store celebrating business in the early days of America. They also collaborated with the publication of “The Heritage Papers.” Here’s one of my articles, “Lincoln the Businessman.”



BUSINESS IN AMERICA

THE

HERITAGE

PAPERS

Lincoln the Businessman

James W. Schreier

Abraham Lincoln, the sixteenth president of the United States, had a career which ranged from Army Captain to Lawyer, from Rail Splitter to President. In a time of the United States when independence and freedom meant that a man had to carve out his own life, career, and existence, Lincoln performed those duties which he found necessary for survival. As part of this wide variety of careers, Lincoln became a businessman.

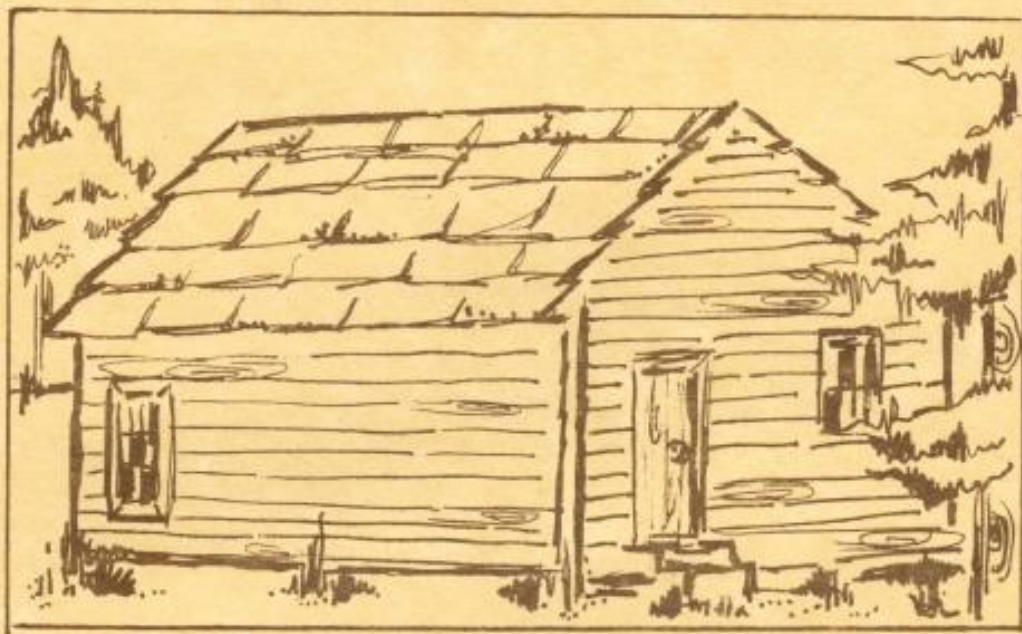
Whether or not Lincoln's brief, and unsuccessful career as a businessman influenced his later positions is not clear. In 1864, however, he made an interesting statement which does show how he felt about the role of freedom and enterprise in the American system.

Property is the fruit of labor; Property is desirable, is a positive good in the world. That some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself. Thus by example assuring that his own shall be safe from violence when built.¹

In 1832, after a brief career in the Blackhawk War, Lincoln ran unsuccessfully for the Illinois legislature. Carl Sandburg describes Lincoln's start as a businessman simply: "Lincoln was now out of a job, and had his choice of learning the blacksmith trade or going into business.

He drifted into business; friends took his promissory notes."²

With this kind of support, Lincoln and William F. Berry bought out one of the five stores in New Salem at the time. A piece of wood and a little paint changed it to the Berry & Lincoln store.



While the future of Lincoln as a businessman was cloudy, his entrepreneurial spirit flourished in its early days. Three weeks after the start of his storekeeping days began, Lincoln and Berry owned parts of three of the five New Salem stores.

In 1976, it would be possible to speculate how this

turn of events turned Lincoln into a thriving businessman, working day and night on inventory control, accounts receivable, store layout, and store location for his three outlet enterprise. But 1832 was not 1976 and the management of a small town store did not consume as much time. In fact, it consumed very little time for Lincoln. He found that the operation of the store gave him time to read law books, Shakespeare and Burns. While the store continued to operate, neither of its owners spent much time trying to make it successful. Lincoln was reading and Berry was content to drink and play cards.

By early 1833, business had continued at a slow rate, with no attempts to make it grow and Berry becoming useless because of whisky. Lincoln, however, was gaining a reputation as an honest businessman. He explained the construction of his products with an honesty that rivals the modern calls for consumerism. A customer once asked Lincoln how he knew a pair of gloves was dogskin. Lincoln replied:

I'll tell you how I know. Jack Clary's dog killed Tom Watkin's sheep, and Tom Watkin's boy killed the dog; old John Mounts tanned the dogskin, and Sally spears made the gloves. That's the way I know they're dogskin.³

In March of 1833, business was no better. Berry & Lincoln obtained a license to sell whisky (at 12 1/2 cents a pint) and other liquors. But business was failing and little could be done to halt the decline. Both of the partners had other interests which consumed more of their

time than operating a business. Lincoln was becoming more and more interested in law, spending most of his time reading. Lincoln became postmaster in May of 1833, because no democrat wanted the job and because he wanted to read the newspapers. His kind, or careless, manner prevented him from collecting postage from newspaper subscribers in advance, a requirement of the government.

The store was failing and Lincoln began to take other jobs. He started splitting rails, working at the sawmill, and helping out at a competitor's store whenever there was a rush of customers. The doors to the Berry & Lincoln store were locked up for the day. Lincoln was attempting to work in other places in order to pay off his debts or he was down at the river discussing the news and the writings of Shakespeare with his friend, Jack Kelso.

Was Lincoln a businessman or an entrepreneur? If the success of his business is the criteria, he was obviously neither. If the attitude he took towards surviving and exercising his freedom in the young country are the criteria, he acted in many ways like the typical entrepreneur. Until he opened up his business at the White House in Washington, he just hadn't found the right location.

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- ³Ibid. p. 166.